

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

(Formerly Unit 58(B))

_____ has satisfactorily completed on-the-job training in the Part or Parts of this Unit specified below.

Certification for Part B: Compliance with Other Terms and Conditions

Duty	Enforce compliance with socio-economic contractual requirements by both the contractor and Government personnel.
Conditions	Given a contract, the contract administration plan, and any other related document referenced in the contract.
Overall Standard(s)	Properly enforce all contract and procedural requirements. Monitor actions of contracting officer representatives and other support personnel to preclude breaches by the Government. Identify and document potential breaches and report them to the contractor for correction as early as they occur. Accurately assess the impact of potential problems on performance and delivery requirements.
Evaluator	Name _____
	Title _____
	Date _____

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

DOCUMENTATION OF OJT ASSIGNMENT(S)	
Description of Assignment:	
Evaluation:	
Completion Date:	

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

DOCUMENTATION OF OJT ASSIGNMENT(S)	
Description of Assignment:	
Evaluation:	
Completion Date:	

As needed, insert additional pages to record OJT assignments.

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

Policies

<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
8.203-2 8.203-3		Rejection of orders for jewel bearings.
8.405-3		Inspection of items acquired through the Federal Supply Schedule program.
38.205		Administering Federal Supply Schedules.
8.705-4 8.708 8.710-712 8.714		Inspection and acceptance of items ordered from workshops for the blind and other severely handicapped; resolving problems with the orders.
19.706		Responsibilities of the cognizant ACO.
19.707(a)(4)		SBA's role
22.101		Labor relations and work stoppages.
22.103-4(f)		Requests to pay overtime.
22.2		Convict labor; restrictions on employment by contractors.
22.301 22.303 22.304 22.406-8 22.406-9		Investigating alleged violations of the Contract Work Hours and Safety Standards Act and enforcing the Act (no laborer or mechanic doing any part of the work contemplated by the contract shall be required or permitted to work more than 40 hours in any workweek unless paid overtime).
22.804-1 22.808		Complaints alleging violations of EO 11246 (equal employment opportunity) and enforcing the Order.
22.9		Resolving complaints of discrimination because of age.
22.1019		Classifying employees not covered by a wage determination.
22.1022 - 1026		Enforcing FAR 52.222-40 or 41 (Service Contract Act).
22.1301 22.1304 through 22.1306		Resolving complaints about the administration of the Vietnam War Veterans Readjustment Act and enforcing the Act.
22.1400- 1401 and 1405-1406		Enforcing FAR 52.222-36 (Affirmative Action for Handicapped Workers).
22.1500 - 1509		Employee rights concerning payment of union dues or fees.
23.107		Reporting noncompliance with clean air or water standards.
23.300 - 302		Obtaining data from contractors on hazardous materials prior to delivery of same.
23.506		Enforcing requirements for a drug-free workplace.
25.6		CO's responsibilities for obtaining duty-free entry of supplies.
25.7		Restrictions on certain foreign purchases; enforcing the clause at 52.225-11, Certain Communist Areas.
28.301 - 304 307 - 308		Reviewing contractor insurance plans.
52.204-2		Enforcing security requirements.
52.207-3		Right of first refusal of employment (A-76 competitions).
52.222-1		Notice of labor disputes.
52.222-2		Payment for overtime premiums.
52.222-3		Convict labor.

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

52.222-4		Contract work hrs. and safety stds. act-overtime compensation.
52.222-18		Union dues.
52.222-20		Walsh-Healy requirements to pay the minimum wage.
52.222-26		Equal Opportunity.
52.222-35 and 222-37		Affirmative action for special disabled and Vietnam era veterans.
52.222-36		Affirmative action for handicapped workers.
52.222-40 222-41 and 222-44		Service Contract Act.
52.223-2		Clean air and water.
52.223-3		Hazardous material identification and material safety data.
52.223-6		Enforcing requirements to maintain a drug-free workplace.
52.224-2		Enforcing the Privacy Act.
52.225-10		Executing any required duty-free certificates.
52.225-11 ¹		Responding to contractor requests to purchase supplies or services from certain communist areas.
52.237-2		Protection of government buildings, equipment, and vegetation.

¹Reference to 52.225-13 deleted in 2nd. edition..

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

Other KSA's


Other Policies and References (Annotate As Necessary):

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS


Tasks


Related Standards

1. Investigate reports or complaints of non-compliance with labor laws.	1. Identify and correctly interpret the applicable FAR policies in Part 22 and clause(s) in Part 52 (e.g., 222-1, 222-3, 222-4, 222-18, 222-20, 222-26, 222-35 through 222-37, 222-40, 222-41, and 222-44).
---	---

 Contracts for commercial items do not include clauses related to the Clean Air Act, the Federal Water Pollution Control Act, or the Contract Work Hours and Safety Standards Act. Hence, contractors no longer have to submit the certificates required by those clauses. However, the contractors must still comply with such laws or be in breach of contract. [§12.503(b) and 52.212-4(q), FAC 90-32, Case 94-970, CSW Unit 58, Part B]

2. Respond to contractor requests and resolve problems with respect to overtime premiums.	2. Identify and correctly interpret the applicable FAR policies in subpart 22.3 and clause(s) in Part 52 (e.g., 52.222-2).
3. Investigate complaints and other reports of noncompliance with clauses on protection of the environment, privacy, and establishing a drug-free work place.	3. Identify and correctly interpret the applicable FAR policies in subparts 23.107, 23.300, 23.301, 23.302, and 23.506; identify and correctly interpret the applicable clause(s) in Part 52 (e.g., 52.223-2, 223-3, 223-6, 224-2, and 237-2).

 Moreover, contractors also must agree to comply with a number of laws unique to Government contracting — to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C 327 et seq., Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 251 related to whistle blower protections; and 49 U.S.C 40118, Fly American. [§12.503(b) and 52.212-4(r), FAC 90-32, Case 94-970]

 When acquiring commercial items, contractors do NOT have to require their employees to individually certify that they are (1) familiar with the Procurement Integrity Act and (2) will report violations of the Act. (§3.104-9 and 52.203-8, FAC 90-30, Case 94-804]

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

Tasks	Related Standards
<p>4. Investigate and resolve problems resulting from the shipment, reception, inspection, and acceptance of deliverables from required sources.</p> <ul style="list-style-type: none"> • The William Langer Plant. • Federal Supply Schedule contractors. • Workshops for the Blind and Other Severely Handicapped. 	<p>4. Correctly describe the procedures for resolving problems with the performance of required sources of supply in FAR 8.203-2, 8.203-3, 8.405-3, 8.705-4, 8.708, 8.710, 8.711, 8.712, 8.714, and 38.205.</p>
<p>5. Review and approve or disapprove contractor insurance plans and proposed changes thereto; investigate and resolve problems with insurance coverage.</p>	<p>5. Identify and correctly interpret the applicable FAR policies in subparts 28.301 through 304, 28.307, and 28.308; identify and correctly interpret the applicable clause(s) in Part 52 (e.g., 52.228-5 and 228-7).</p>
<p>6. Investigate and resolve problems with security.</p>	<p>6. Correctly interpret FAR clause 52.204-2).</p>
<p>7. Respond to complaints by contractor employees of reprisals for disclosing substantial violations of law.</p>	<p>7. Accurately describe the process for investigating complaints of reprisals for disclosures of “substantial violations of law” and potential remedies. Refer such complaints to the Inspector General.</p>

Protecting Contractor Employee Whistleblowers (CSW Unit 58, New Part).

✎ FAR Subpart 3.9 implements the whistleblower protections for contractor employees established by sections 6005 and 6006 of the Federal Acquisition Streamlining Act (FASA). This subpart establishes remedies for contractor employees who are discharged, demoted or otherwise discriminated against as a reprisal for disclosing a substantial violation of law related to a contract to an “authorized official of an agency”, an authorized official of the Department, of Justice, or a member of Congress. No clause is prescribed or necessary to make these remedies available to contractor employees. Previously these protections were available only to contracts awarded under title 10 of the United States Code (e.g., by Defense agencies).

For the purpose of this subpart, an “authorized official of an agency” means any officer or employee responsible for contracting, program management, audit, inspection, investigation, or enforcement of any law or regulation relating to Government procurement or the subject matter of the contract. If you are an authorized official under this subpart:

- Document (in the form of memoranda for record) disclosures made by contractor employees concerning substantial violations of law related to agency contracts. Report this matter to appropriate agency officials, e.g. the Inspector General (IG), a criminal investigator, procurement fraud advisor etc.

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

Tasks

Related Standards

- If such advice is requested, advise contractor employees of their rights under FAR subpart 3.9.
- Refer contractor employee complaints of reprisal actions to the IG. [FAC 90-30, Case 94-803]

Contractor employees may seek relief under FAR subpart 3.9 when they:

- Have disclosed a substantial violation of law to:
 - ◊ A member of Congress,
 - ◊ An authorized official of an agency (e.g., an officer or employee responsible for contracting, program management, audit, inspection, investigation, or enforcement of any law or regulation relating to Government procurement or contract), or
 - ◊ An authorized official of the Department of Justice.
- As a result of the disclosure, can show that a reprisal action was taken against them.
- Report the reprisals to the IG of the agency that awarded the contract.

FAR subpart 3.9 establishes the following investigative process.

1. The contractor employee complains to the IG (the DoD IG for Defense contracts, rather than military service IGs).
2. The IG conducts an initial inquiry.
3. If the complaint merits further investigation, the IG notifies the complainant, contractor, and the Head of the Contracting Activity (HCA).
4. The IG investigates and reports its findings to agency head or designee, with copies of the "Report of Findings" to the complainant, contractor, and HCA.
5. Both the complainant and Contractor have opportunity to respond in writing to Report of Findings to the agency head or designee. Responses must be filed within 30 days (unless the agency head or designee extends the response time).

If the agency head or designee finds for the complainant, the agency head or designee may direct the contractor to do any or all of the following.

1. Take action to abate the reprisal.
2. Reinstate the employee to the position held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would have applied if the reprisal had not been taken.
3. Pay all costs and expenses (including attorneys' fees and expert witnesses' fees) reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal.

UNIT 80 ADMINISTERING SOCIO-ECONOMIC AND MISC. TERMS AND CONDITIONS

Tasks

Related Standards

If the contractor fails to comply with order, the agency head may request the Department of Justice to file action for enforcement in U.S. District Court for the district in which the reprisal occurred. The agency head's action is subject to legal review and appeal within the Federal Court system.

FAR subpart 3.9 applies to contracts in existence as of September 19, 1995, for reprisals to Government contractor employees occurring on or after that date. It does not apply to contracts otherwise covered by provisions of 10 U.S.C. 2409a. [FAC 90-32, Case 94-803 — Technical amendment to final rule.]

8. Execute documents to provide for duty-free entry of contract-related shipments of supplies.	8. Identify and correctly interpret the applicable FAR policies in subpart 25.6 and clause(s) in Part 52 (e.g., 52.225-10).
--	---